

REMARKS

Claims 1-52 are under consideration in the present application.

In the Office Action, the Examiner states that certain groups of claims of above-identified application are distinct from one another. For such reason, the Examiner believes that the restriction of claims is proper, and now requires Applicants to elect one of the following groups:

Group I: claims 1-26, drawn to a process for detecting or treating cardiac abnormalities and/or cardiac inconsistencies, allegedly classified in class 604, allegedly subclass 500; and

Group II: claims 27-52, drawn to an apparatus for detecting or treating cardiac abnormalities and/or cardiac inconsistencies, allegedly classified in class 604, subclass 20.

Applicants hereby respectfully traverse the restriction requirement set forth in the Restriction Requirement, but provisionally elect Group II, i.e., claims 27-52.

The Examiner believes that the groups of claims identified above are distinct from one another. Applicants respectfully disagree, and respectfully submit that the claimed inventions recited in claims 1-26 and claims 27-52 recite substantially the same subject matter that is believed to be allowable over the art of record. In particular, The method claims (i.e., claims 1-26) and the arrangement claims (i.e., claims 27-52) both recite substantially similar or same subject matter, i.e., an introduction of a fluid to a target area of a heart of a subject (in which a volume of the target area which receives

the fluid is less than a volume of the heart), and a transmission of energy to at least one portion of the target area. Even in the Office Action, the Examiner agreed that the method claims (claims 1-26) and the arrangement claims (claims 27-52) are classified in the same class, i.e., class 604. For at least these reasons, it is respectfully asserted that the Examiner would not be subjected to any undue burden to search and examine both groups of claims, as it is believed to be recognized by the Examiner.

In support of his belief that claims 1-26 and claims 27-52 should be restricted from one another, the Examiner states that “the product as claimed can be used in a materially different process such dialysis”, and relies on M.P.E.P. 806.05(h) in support of such belief. (Office Action, p. 2, Ins. 15-16). However, Applicants respectfully assert that each of the method claims (claims 1-26) and the arrangement claims (claims 27-52) include substantially the same or similar recitations. In particular, each such claims recites an introduction of a fluid to a target area of a heart of a subject (in which a volume of the target area which receives the fluid is less than a volume of the heart), and a transmission of energy to at least one portion of the target area. Indeed, it would be unlikely for the arrangement claims to be used to practice a “materially different process” than the processes is recited in the method claims. This is at least because each of the limitations described above is included in every claim of the above-identified application.

Therefore, the Examiner is respectfully requested to withdraw the Restriction Requirement contained in the Office Action for at least the reasons set forth above.

Respectfully submitted,

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